

PUBLIC NOTICE

US Army Corps of Engineers New York District Jacob K. Javits Federal Building New York, N.Y. 10278-0090 ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2003-00979-YN

Issue Date: April 18, 2006

Expiration Date: May 18, 2006

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Otsego County Industrial Development Agency

242 Main Street Oneonta, NY 13820

ACTIVITY: Discharge fill material into waters of the United States to facilitate the construction

of a commercial and industrial development.

WATERWAY: Wetlands and Ocquianis Creek (Susquehanna River Watershed)

LOCATION: Town of Richfield, Otsego County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RW PUBLIC NOTICE NO. 2003-00979-YN

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. However, archeological materials were found on or near the site and the applicant has developed an avoidance plan. In light of this, in a letter dated May 14, 2005 (02PR04251), the State Historic Preservation Office stated that the project would have No Adverse Effect on historic resources. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate the applicant has obtained or requested the following governmental authorization for the activity under consideration:

-Town of Richfield Springs: Various

-New York State Department of Environmental Conservation: SPDES Permit

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 270-0588 and ask for Andrew C. Dangler.

For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil

Richard L. Tomer

Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Otsego County Industrial Development Agency, has requested Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the construction of a combined commercial and industrial development. The site consists of 55.06 acres and is located along New York State Route 28 in the Town of Richfield, Otsego County, New York.

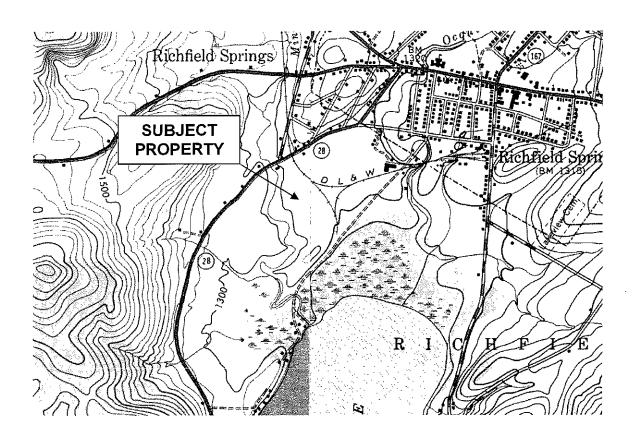
The development would consist of two 30,000 square foot buildings and one 10,000 square foot building. The work would involve the discharge of fill material into 1.09 acres of wetlands to facilitate the construction of the buildings, parking lots and an access road. In addition, a 4-inch water force main will be installed across Ocquianis Creek. If possible the force main will be directionally bored beneath Ocquianis Creek. However, if drilling is not possible the installation would be accomplished by the excavation, backfill, and bedding of the force main. This method would include the use of sandbag cofferdams for dewatering. The stated purpose of this project is to construct a business park as a part of the New York State sponsored "Build Now-NY" program.

To mitigate impacts to the aquatic environment the applicant proposes to establish 1.14 acres of palustrine emergent wetland. In addition, the applicant proposes to place a deed restriction on the wetland establishment areas.

Permit No.: 2003 - 00979 - YN

Applicant: OTSEGO CTY. INDUST. DEVEL. AG.

Sheet / of /D



SCHULER LAKE QUADRANGLE SCALE I" = 2000'

RICHFIELD SPRINGS QUADRANGLE



RICHFIELD SPRINGS BUSINESS PARK

TOWN OF RICHFIELD OTSEGO COUNTY NEW YORK

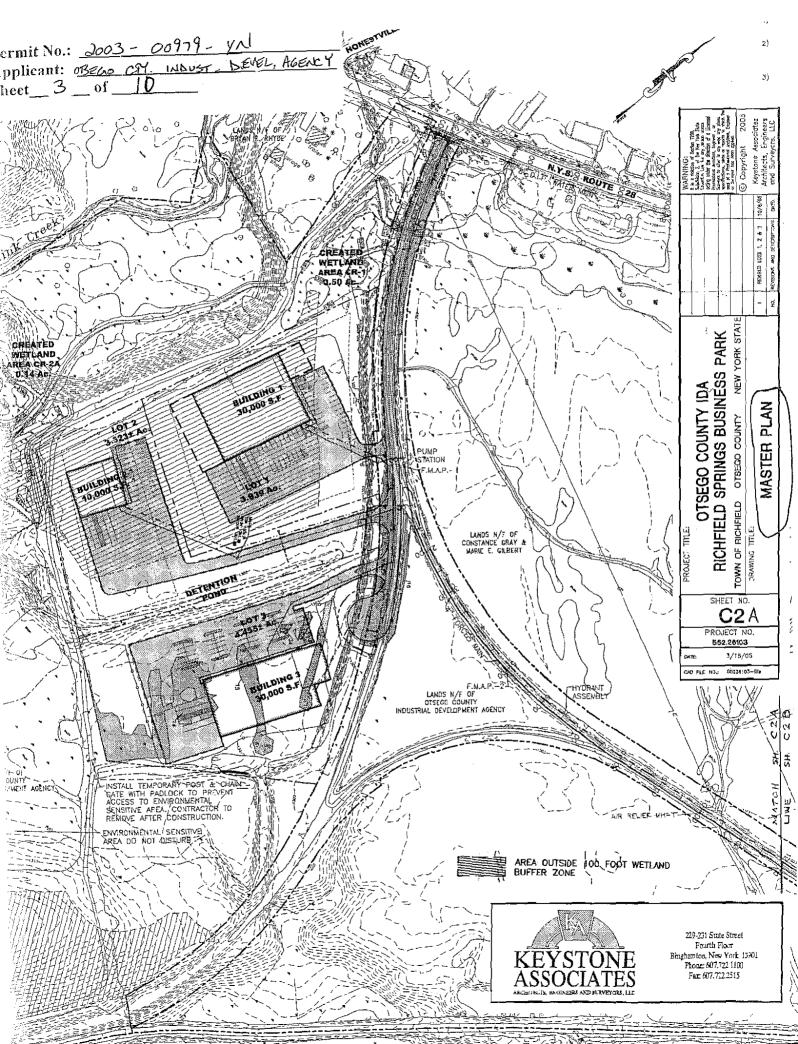
FIGURE 3
USGS VICINITY MAP

GENERAL NOTES CONTRACTOR SHALL NOT PROCEED WITH MY CONSTRUCTION WORK PRIOR TO FINAL APPROVAL OF ALL PLANS AND SECURING THE CONTRACTOR SHALL FILL IN, AND THEN RE-EXCAVATE AS NECESSARY TO RESUME WORK, ANY EXCAVATIONS OR TRENCHES AT LOCATIONS AND AS OFTEN AS WAY DE REQUIRED TO ENSURE PROTECTION OF THE WORK, ANY ADJACENT EXISTING FACILITIES, (3) MINIMUM OF 18" VERTICAL SEPARATION IS REQUIRED BETWEEN WATER MAIN AND SANITARY MAIN CROSSING AS PER STATE HEALTH DEPARTMENT REQUIREMENTS. PARALLEL LINES MUST BE SEPARATE, MINIMUM 10" HORIZONTALLY O.D. TD O.D. OF ALL PERMITS. CONTRACT LIMIT LINE COUNCIDES WITH PROPERTY LINE IN ALL LOCATIONS EXCEPT WHERE SPECIFICALLY NOTED OTHERWISE. CONTRACTOR SHALL MAINTAIN A MINIMUM 50° BUFFER AROUND ANY SIGNIFICANT CULTURAL RESOURCE LOCATIONS. THE PUBLIC CONSTRUCTION OBSERVATION BY YEYSTONE ASSOCIATES, LLC IS NOT SUPERVISORY, ACCORDINGLY, KEYSTONE ASSOCIATES, LLC CAN NEITHER CHARACTES THE PERFORMANCE OF THE CONSTRUCTION CONTRACTS BY CONTRACTORS NOR ASSUME RESPONSIBILITY FOR CONTRACTORS FAILURE TO FURNISH AND PERFORM WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL CLEAN UP THE JOB SITE DN A DAILY BASIS BEFORE LEAVING THE JOB. ALL RUBBISH MUST BE CLEANED UP AND CONSTRUCTION EQUIPMENT MUST BE PROPERLY TAKEN CARE OF AND STORED AT THE END OF THE DAY. CONTRACTOR SHALL PROVIDE CONSTRUCTION/PROTECTIVE FENCING ON DIHER MEANS NECESSARY TO PROTECT WORK AND TO ENSURE THE SAFETY OF PEDESTRUM AND VEHICULAR TRAFFIC DURING CONSTRUCTION. CONTRACTOR TO PROVIDE CLEARING AND GRUBBING NECESSARY TO COMPLETE THE PROJECT. INSTALL SOIL EROSION AND SEDIMENT CONTROL FACILITIES PRIOR TO START OF EARTHWORK OPERATIONS PER LOCAL GOVERNING SCILL AND WATER CONSERVATION AGENCY RECOMMENDATIONS AND STANDARDS. THE STORMWATER MANAGEMENT PLAN PREPARED FOR THE PROJECT, AND WETLAND CONDITION. CONTRACTOR TO COMPLY WITH ALL D.S.H.A. AND OTHER STATE AND LOCAL SAFETY REDUREMENTS DURING CONSTRUCTION. (PROPER SHORINO, ETC.) COMPLETE THE PROJECT. ALL EXISTING TOPOGRAPHIC FEATURES WHICH INCLUDE BUT ARE NOT LIMITED TO; WALKS, WALLS, CURBS, STEPS, TREES, SHRUBS AND UTILITIES ADJACENT TO WORK ARE TO DE MAINTAINED IN THEIR CURRENT CONDITION INLESS OTHERWISE NOTED ON THE DRAWMICS. THE CONTRACTOR SHALL VERRY THE CONDITION AND LOCATION OF THESE ITEMS IN THE FIELD PRIOR TO STARTING WORK, ANY ITEMS FOUND TO CONFIDET WITH THE WORK REQUIRED AS PART OF THIS CONTRACTS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER. THE CONTRACTS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER, THE CONTRACTS SHALL BE IMMEDIATELY EXISTING TOPOGRAPHY PROR TO COMMENCEMENT OF EARTHWORK OPERATIONS, ANY SLEVATION DISCREPANCES WHICH WILL AFFECT THE WORK REQUIRED AS PART OF THE CONTRACT DOCUMENTS SHALL SE IMMEDIATELY PEPORTED TO THE EIGENEER. COMMENCEMENT OF WORK WITHOUT THIS WRITTEN NOTIFICATION SHALL CONSTITUTE CONTRACTOR ACCEPTANCE OF THE EXISTING TOPOGRAPHY INDICATED ON THE DRAWINGS AS ACCUPATE, NO ADJUSTMENT TO THE CONTRACT WILL BE MADE FOR DISCREPANCES TREGUENT TO THE ENGINEER'S ATTENTION AFTER WORK HAS BEGUN. THE CONTRACTOR SHALL PROTECT AND SUSTAIN IN NORMAL SERVICE ALL CXISTING UTILITIES, STRUCTURES, EQUIPMENT, ROADWAYS AND DRIVEWAYS. UNDERGROUND ETILITY LOCATIONS ARE NOT GUARANTEED, NOR IS THERE ANY GUARANTEE THAT ALL EXISTING UTILITIES WHETHER PRINCIPONAL OR ABANDONED WITHIN THE PROJECT AREA ARE SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UNDERGROUND LITTLESS BEFORE STARTING WORK & SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM HIS WORK. CONTRACTORS SHALL NOTIFY DIG SAFELY MY (FORMERLY UTPO) 1-800-862-7962 IN ACCORDANCE WITH 16 NYCRR PART 753. ELECTRIC AND GAS INSTALLATION AND CONNECTIONS TO BE IN ACCORDANCE WITH UTILITY COMPANY REGULATIONS AND REDUREMENTS. CONTRACTOR TO ARRANGE A PRE—CONSTRUCTION CONFERENCE WITH KEYSTONE ASSOCIATES, LLC OR AN AUTHORIZED REPRESENTATIVE PRIOR TO GONSTRUCTION. WEMOVE CAP INTO EXISTING 87 WATER MAIN WITE HE, BY DIRP WATER HAIN WORK HAS BEGUN. ALL SITE WORK SHALL BE SMOOTHLY AND EVENLY BLENDED INTO EXISTING CONDITIONS. CONTRACTOR SHALL RESTORE ALL LAWNS, ORIVEWAYS, WALKS, WALL, CURBS, FENCES, ETC. DISTURBED BY CONSTRUCTION LAWN SHALL BE FINE ROADED, SEEDED, FERTILIZED AND MULCHED PER ACCEPTABLE UNDSCAPE PRACTICES. INSTALLATION AND MATERIAL SPECIFICATIONS FOR STORM SEWER, SANITARY SEWER AND WATER SERVICE GONNECTIONS SHALL COMPORM TO THE TOWN STANDARD DETAILS AND RECOUREMENTS. INSTALLATION PROCEDURES AND MATERIALS MUST BE VERIFIED WITH THE TOWN PRIOR TO CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION STAKEOUT. WHERE APPLICABLE STAKEOUT SHALL BE COMPLETED BY A LICENSED LAND SURVEYOR. RESTDRATION OF PAVEMENT IS THE RESPONSIBILITY OF THE CONTRACTIOR, CONTRACTIOR SHALL RESTORE PAVEMENT AS DETAILED ALL PAVEMENT AND RIGHT-OF-WAY RESTORATION WORK TO BE ONCE TO THE SATISFACTION OF THE TOWN AND COUNTY ENGINEER. ALL BOUNDARY INFORMATION OF THE TOWN AND COUNTY ENGINEER. "BOUNDARY SURVEY OF PREMISES OF OF ROBERT E. BOSS, THE TOWN DE RICHFIELD AND PORTION OF THE PREMISES OF DELAWARE OTSEGO CORPORATION." DATED SEPTEMBER 24, 2001 BY LAWSON SURVEYING & MAPPING, THE SURVEY PRAWING IS PROVIDED FOR INFORMATION ONLY. IT IS THE BASE INFORMATION USED TO PREPARE THE WORK INDICATED ON THE DRAWINGS. BY INCLUSION OF THIS SURVEY INFORMATION IN THIS SET OF DOCUMENTS, KEYSTONE ASSOCIATES, LLC DOES NOT ASSUME RESPONSIBILITY FOR ACCURACY OF THE SURVEY NOR FOR INTERPRETATIONS OR CONCLUSIONS DRAWN THEREFROM BY THE CONTRACTOR. CONTRACTOR SHALL AVOID ALL ENVIRONMENTAL SENSITIVE AREAS. ZONING NOTES ZONING DISTRICT: R-40 DNE ACRE COMMERCIAL DISTRICT Permit No.: <u>2003 - 00</u>979 - Va REQUIRED Applicant: OTSEGO CTY. WAUST. NEVEL AGENCY MINIMUM LOT SIZE: 43.560 SF of MINIMUM LOT FRONTAGE: Sheet 60 LF \mathcal{J} MINIMUM YARD DIMENSIONS: 50' FROM EDGE OF ROW, FRONT REAR LINDEN 50 LF SIDE 25 UF OFF STREET PARKING PER 1000 SF, FLOOR AREA: 15,000\$F./1000\$F.= 15 \$PACE\$ f PER 300 \$F. FLOOR AREA: 5,090\$F./300\$F.= 17 \$PACE\$ OFF STREET LOADING: 1 FOR EVERY RECEIVING DOOR -łz √la PROJECT TITLE $^{\circ}$ 4 WARNING OTSEGO COUNTY IDA 3 RICHFIELD SPRINGS BUSINESS PARK TOWN OF RICHFIELD OTSEGO COUNTY NEW YORK STATE Copyright DRAWING TITLE: LANOS N/F OF ADMINISTRATOR, SWALL BUSINESS ADMINISTRATION Keystone Associates REMSER LOSS 1 2 & 1 10/8/05 Architects, Engineers and Surveyors, LLC Z MASTER PLAN REVISIONS AND DESCRIPTIONS DATE: SHEET NO. (m C2B HYDRANT 229-231 State Street PROJECT NO. SSEMBLY Fourth Floor 552.26103 KEYSTO Binghamion, New York 13901 3/15/05 Phone: 607.722.1100 Fax: 507,722.2515 DAD FILE NO.: 55226103-914 OCQUIANIS CREEK PROTECTED STREAM

ELM STREET EXTENSION

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(IN FEST)



able 3.	Summary of V	Vetland Impac	ts							Revised October 6, 2005		
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Wetland	Description	Cowardian	Flags	Width	Length	Area	Area	Агеа	Feature	Remarks		
ID		Classification						Impacted	Impacting		:	
		System							Wetland		1	
				(ft)	(ft)	(sf)	(acre)	(acre)				
Existing	Wetlands		į				\					
	CL Ditch		H-! - H-2	3	28	84	0.0019	0.0019	Access Rd	Put MH over existing plp	e and sape to wet	hand
2	Wetland		G-1 - G-8	-	-	NA	NA	0.1200	Access Rd	Access road fill within Re	ow.	
3	Wedand		C-I - C-I2	-		6102	0.1401	G.0065	Access Rd	Replace existing cuivert	and place fill for a	ccess (
4	Wetland		D-1 - D-6		-	1763	0.0405	0.0000	Access Rd	Access road fill within Po	OW.	
5	CL Ditch		K-I - K-8	4-10	459	2590	7650.0	0.0569	Access Rd	Access road fill within Ro	OW.	
6	CL Ditch		F-1 - F-14	6	1057	6342	0.1456	0.0455	Access Rd	Lots 1, 2, and 3 access	drive crossings	
7	Wetland .		L-I - L-22	-		18315	0,4205	0.2463	Access Rd	Access road !!! within RO	DW .	
8	Wetland		S-1 - S-105	•		234110	5.3744					
14	Wedand		W-1 - W-120			163290	3.7486	0.4 88	Lat 3	Lot 3 site grading	, , , , , , , , , , , , , , , , , , ,	
	Add:		R-5 - R-10			2325	0.0534				:	
	New Total					165615	3.8020		***************************************			
15	Wetland .		81-V - I-V		•	6183	0.1419	D.1492	Lot 3	Lot 3 site grading		
	Add;		E-2, FI4			Z25	<u>9,0166</u>					
	New Total					6908	0.1586					
. 16	Wetland		J-1 - J-7					Ser arrene dese 🐍	Access Rd	<u> </u>		
					Totals		13.8916	1.0861				
on-Jurisd	: lictional We	etlands			:							i i
32	Wetland		TL-3 - TL-16			3569	0,0819					
33	Wetland :	-	AZ-1 - AZ-9			610	0.0140					
34	Wedand		AY-1 - AY-5			325	0.0075		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			1
	:				Totals		9. 034	0.0619	Lot 3	Lot 3 site grading		
cated W	etlands											-
CR-I	Wedand	PEMIB					0,5030			Adjacent to Lot 1		
CR-2A	Wetland	PEMIB				.,	0.2060		,	Within Lat 3		
CR-2B	Wedand	PEMIB					0.4362					
					Totals		1.1452					.]
					, j					<u> </u>		
itio of Cr	ested Wetl	ands to Diste	arbed Jurisdict	ional W	etlands:		1.0544					
	i.							. e e e e e e e e e e e e e e e e e			-	

SEE FOLLOWING SHEETS CORRESPONDING WETLAND ID AND IMPACTS

Table 5-4	Wedand M	ontoring an	d Maintenance I	Responsibilities
Wetland Feature	Los No.	S-Year Current Owner	Heintenanca Responsibility	Expected Future Owner and Long Term Maintenance Responsibility
CR-1, CR-2A, and CR-2B	4	COIDA	COIDA	Town of Richiteld or a conservation agency

Addresses and phone numbers: Councy of Ourgo industrial Development Agency (COIDA), 242 Main Street, Oneonta, New York 13820 Town of Richfield, 62 East James Street, Richfield Springs, New York, 13439

Permit No.: 2003-00979- VAl
Applicant: 013660 CTY WAUST. DEVEL AGENCY Sheet 4 of 10



REVESED LOTS 1, 2 & 3 ADDED HTDRAMIS & VALVE

RICHFIELD SPRINGS BUSINESS PARK"
IN OF RICHFIELD OTSEGO COUNTY NEW YORK STATE

TOWN OF RICHFIELD

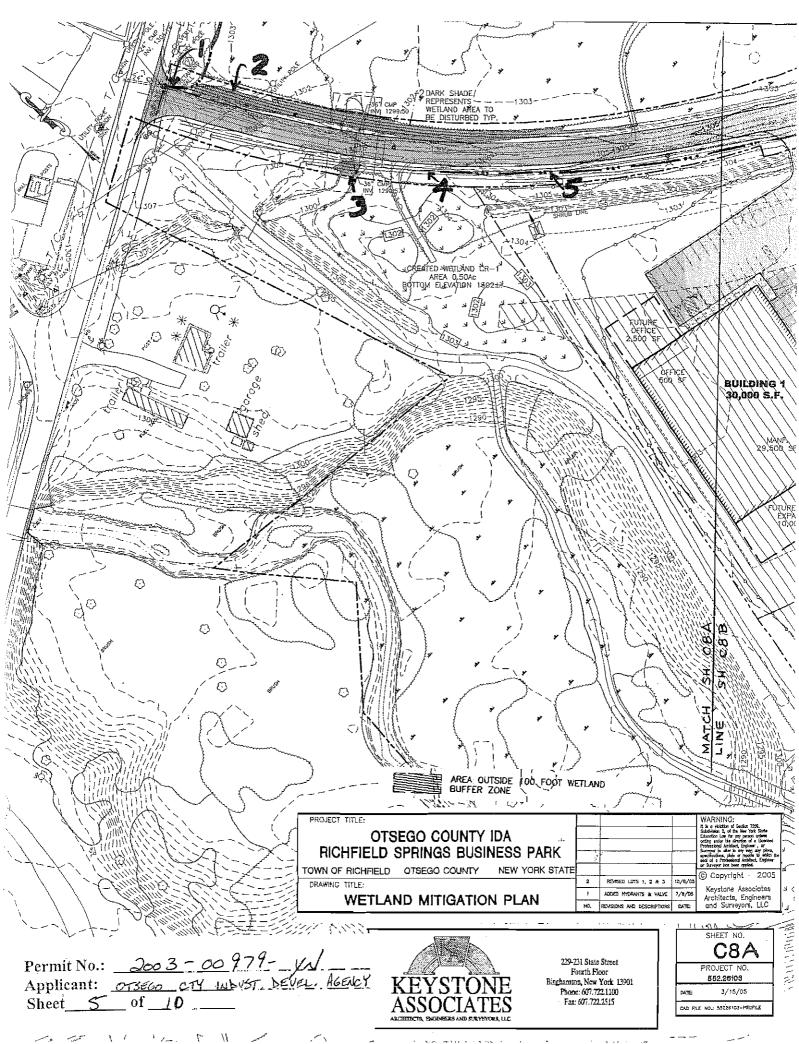
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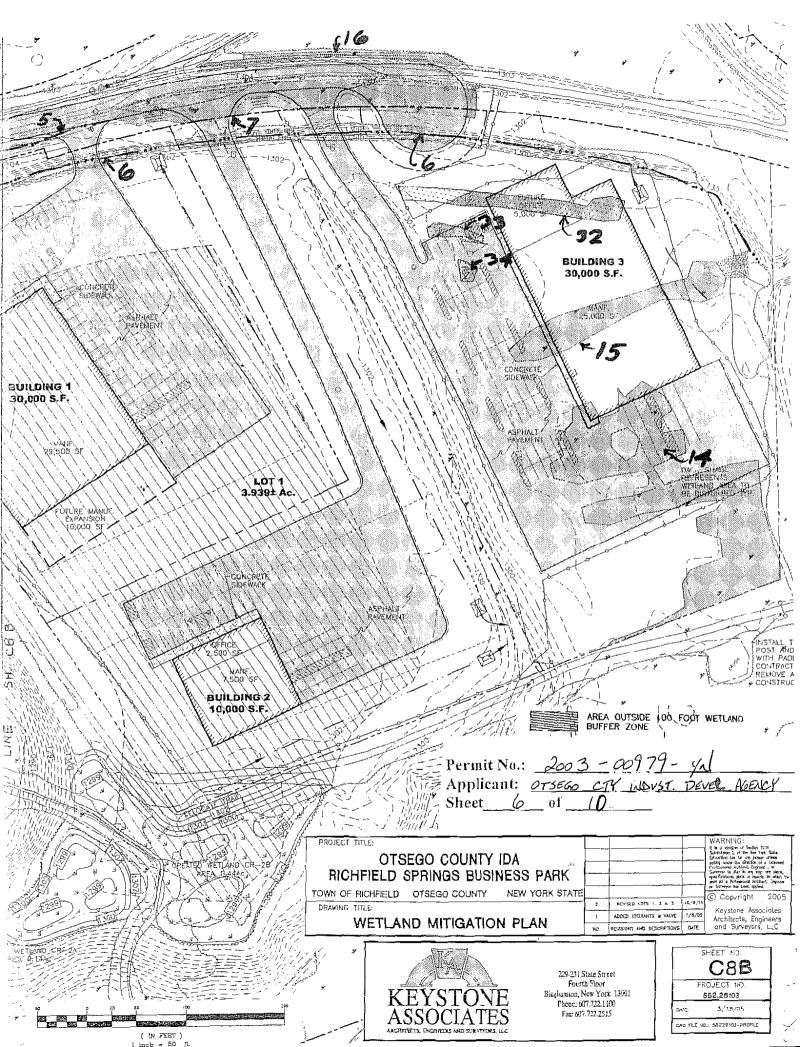
WETLAND MITIGATION DETAILS/NOTES DRAWING TITLE: SHEET NO.

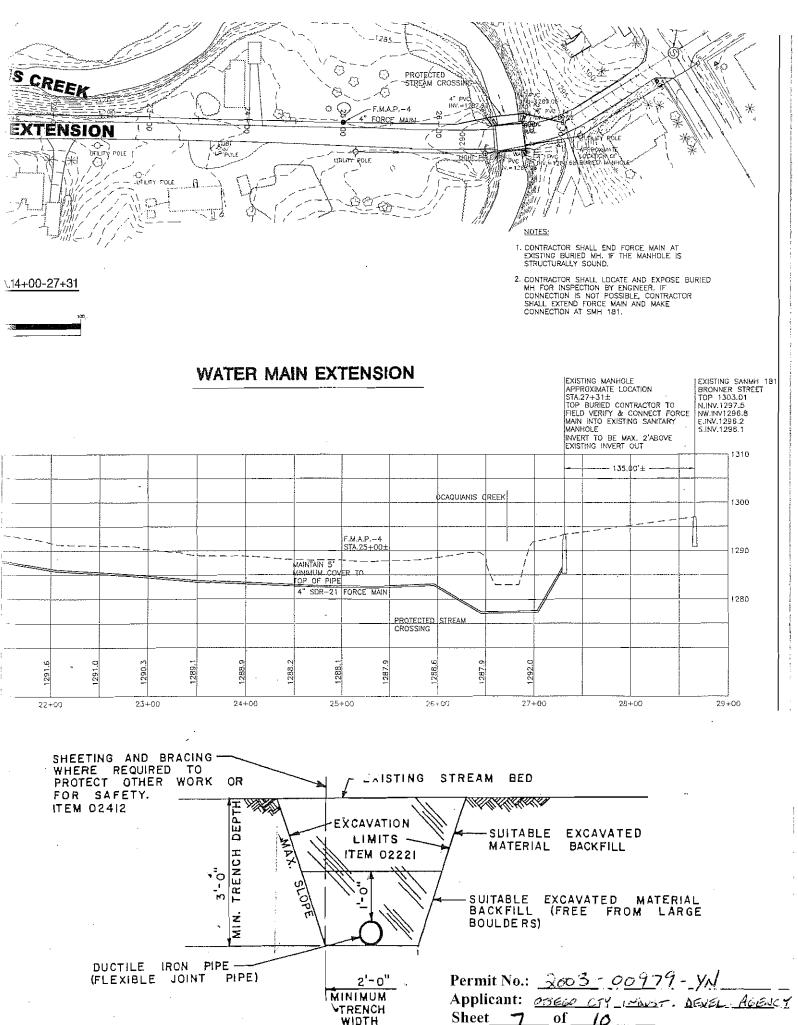
C9 B

PROJECT NO. 552.26103 3/15/05

CAD FILE NO.: 50228103-PROFILE

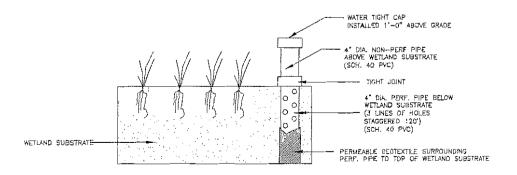






WETLAND CREATION GENERAL NOTES AND SPECIFICATIONS

- ALL WORK ASSOCIATED WITH WETLAND DISTURBANCE MITIGATION, CREATION, ETC. SHALL BE CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THE INDIMIDUAL WETLAND PERMITS OBTAINED FOR THE PROJECT FROM THE US ARMY CORPS OF ENGINEERS AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE APPLICABLE CONSTRUCTION SPECIFICATIONS IN THE PROJECT'S BIDDING AND CONTRACT DOCUMENTS.
- CLEAR AREAS REQUIRED FOR ACCESS TO SITE AND EXECUTION OF WORK.
- INSTALL TEMPORARY EROSION AND SECUMENT CONTROL STRUCTURES AS INDICATED ON THE DRAWINGS OR AS DIRECTED BY THE ENGINEER TO CONTROL SOIL EROSION AND WATER POLLUTION
- CLEAR, STRIP TOPSOIL, EXCAVATE TO SUBGRADE, AND OTHERWISE PREPARE AREAS DESIGNATED AS WETLAND CREATION AREAS TO RECEIVE WETLAND SUBSTRATE SOIL MATERIALS TO BE EXCAVATED FROM THE WETLAND AREAS TO BE DISTURBED.
- SCARIFY SUBSOIL OF WETLAND CREATION AREAS TO DEPTH OF THREE (1) INCHES AND RAKE TO TRUE LINES AND GRADES WITH YARIATIONS RIDGES AND DEPRESSIONS THAT WILL HOLD WATER AND LOOK NATURAL
- EXCAVATE WETLAND SUBSTRATE SOIL MATERIAL FROM THE WETLAND AREAS THAT WILL BE FURTHER EXCAVATED, LANDSCAPED, OR GRADED, WITHOUT MIXING WITH FOREIGN MATERIALS.
- ALL WETLAND SUBSTRATE SOIL MATERIAL SHALL BE PLACED TO MINIMUM DEPTH OF SIX (6) INCHES AND AT THE PROPER GRADES OVER THE GROUND SURFACE TO THE REQUIRED ELEVATIONS, FOR EACH WETLAND CREATION AREA. MAINTAIN PROPILES AND CONTOURS, MAKE CHANGES IN GRADE GRADUAL BLEND SLOPES INTO LEVEL AREAS. RAKE SMODTH.
- PROTECTION OF CREATED WETLAND AREAS: PROTECT NEWLY GRADED WETLANDS FROM TRAFFIC AND EROSION, KEEP FREE OF TRASH AND DEBRIS. REPAIR AND RE-ESTABLISH GRADES IN SETTLED, ERODED OR RUTTED AREAS TO YHE SPECIFIED TOLERANCES. WATER TO PREVENT AND WETLAND SUBSTRATE SOIL FROM DRYING OUT



WETLAND OBSERVATION PORT INSTALLATION DETAIL

Fourth Floor
Bicghauton, New York, 13901
Phone: 607.722.1100
Fer: 607.722.1515



TATE		FCASD LITS 1, 2 & 3 10.84/85		1 * * * * * * * * * * * * * * * * * * *
ES		ALEXAN HINDONING & VALVE. 7/8/03	En/a/L	Architects, Engineers
1	¥	XEMSIONS AND DESCRIPTIONS	불	and Surveyors, LLC

RICHFIELD SPRINGS BUSINESS PARI MITIGATION DETAILS/NOT OTSEGO COUNTY IDA OTSEGO COUNTY

TOWN OF RICHFIELD DRAWING TITLE: SHEET NO.

WETLAND

C9A PROJECT NO.

562.26103 3/15/99

DAD FILE MO.: 55228103-PROFILE

